

17. (New) The jewelry organizer of claim 16, wherein the body of the jewelry organizer is substantially planar.

18. (New) The jewelry organizer of claim 16, wherein the knob has a frustoconical shape and has a diameter and height capable of holding at least one finger ring.

19. (New) The jewelry organizer of claim 16, further including an outer rim around the periphery of the body, the outer rim having a surface to allow space for jewelry to be displayed thereon.

20. (New) The jewelry organizer of claim 19, wherein the outer rim includes a lip which is sized to receive a hook of a drop earring thereon.

REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendments to the claims and the following comments.

In the Office Action mailed May 2, 2002, claims 1, 2, 7-9 and 11 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,040,681 to Grusin. Claims 3-6 and 10 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over Grusin in view of U.S. Patent No. 2,878,932 to Martire, Jr. In addition, all claims were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite and were rejected under the judicially-created doctrine of obviousness-type double patenting over of U.S. Patent No. 6,334,530, from which the present application takes priority.

By this Amendment, Applicant has amended the specification to conform with the specification of U.S. Patent No. 6,334,530, which was expressly incorporated by reference in this application as filed, as well as to add Figure 5, paragraph 0018.1 and claims 16-20. All of these amendments relate to a second preferred embodiment of the present invention incorporating a spiral compartment. No new matter has been added by these amendments. See U.S. Patent No. 6,334,530, col. 1, lines 60 *et seq.* ("Alternatively, the compartment may form one continuous channel in a spiral configuration in which jewelry items, such as necklaces would be placed end-to-end."). For clarification purposes only, Applicant has also amended claims 3 and 8 to define a jewelry organizer that includes a knob having "a diameter and height capable of receiving at least one finger ring over the knob."

Applicant respectfully traverses the rejections of claims 1-11 under section 102 and section 103 and the rejections of all claims based on section 112 and double patenting. Applicant will address the rejections and the claims presented for reconsideration below.

The Rejections of Claims 1-15 Under 35 U.S.C. § 112

As mentioned above, claims 1-15 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Specifically, the Examiner identified the phase "such as" in claims 1, 8 and 12 as rendering the claims indefinite and has suggested replacing the phase "such as" with "including."

Applicant respectfully references the Decision on Appeal in Application No. 08/766,862 (now U.S. Patent No. 6,334,530) from which priority is claimed. In the Appeal, the Board was presented with essentially an identical rejection, i.e., an indefiniteness rejection of selected claims based upon the phase "such as" in the preamble. In the Appeal, the Board found the rejection to be improper and reversed

the Examiner's rejection. *See* Decision page 5. ("We agree with the appellant that a person of ordinary skill in the art would have understood the term "such as" . . . to indicate examples of the types of jewelry that can be stored in the organizer.")

Accordingly, the rejections of claims 1-15 under 35 U.S.C. § 112, second paragraph, are improper and should be withdrawn.

The Rejections of Claims 1, 2, 7-9 and 11 Under 35 U.S.C. § 102(b) Based on the Grusin Patent

As mentioned above, claims 1, 2, 7-9 and 11 were rejected under 35 U.S.C. § 102(a) as allegedly anticipated by the Grusin patent. Applicant respectfully traverses these rejections.

The Grusin Patent

On page 2 of the Office Action, the Examiner characterized Grusin as follows:

Grusin discloses a cover/organizer (18) comprising a body (32) having an upper surface and a lower surface, a knob (50) protruding upwardly from the upper surface, at least two compartments (34) formed in the upper surface of the body with each compartment defined as an elongated channel on each side of the knob, and a recess in the lower surface for the body. The knob of Grusin is inherently capable of receiving at least one ring over the knob.

Applicant respectfully asserts that this characterization is at odds with the disclosure of the Grusin patent, as well as, the Examiner's previous actions. *See* MPEP

704.01, 706.04 ("In general, an examiner should not take an entirely new approach or attempt reorient the point of view [of a previous examiner] . . .") In an Amendment dated April 19, 2001, Applicant made two amendments to the application. Applicant amended claim 1 to include "at least two compartments" and claim 8 to include "the knob having a diameter and height capable of receiving at least one finger ring over the knob", and Applicant further asserted:

Grusin's cover 18, of course, has only one recess, and because it only serves as a cover and not as an organizer, and further because the only purpose of the recess is to lend greater height to the knob and not to serve as a compartment, there would be no motivation to have two recesses in Grusin's cover . . .

Grusin's knob 30 is much too large to receive such a ring, and there would be no motivation to make the knob small enough for that task since it must be large enough to grasp and also to have an aperture to permit the insertion of a finger through the center of the knob.

In response, the Examiner properly allowed all claims. As mentioned above, Grusin's cover 18 has neither two compartments (34) formed in the upper surface of the body nor a knob capable of receiving at least one finger ring, and there is no motivation to modify Grusin's cover 18 in such a manner. Moreover, Applicant respectfully asserts that no basis has been provided to support this new point of view.

Independent Claim 1

Claim 1 defines a jewelry organizer having a body having an upper surface and a lower surface; a knob protruding upwardly from the upper surface; at least two

compartments formed in the upper surface of the body for receiving jewelry, each compartment defined as an elongated channel; and a recess in the lower surface of the body wherein the recess and the knob provide a means for a stackable configuration.

The Grusin patent fails to disclose, or even suggest, a jewelry organizer having all of the features of independent claim 1, including having at least two compartments formed on the upper surface of the body for receiving jewelry, each compartment defined as an elongated channel. In contrast, the lid 18 of Grusin includes only one recess 34 that serves to lend greater height to the knob, not to serve as compartment. Even assuming that the recess serves as a compartment, it cannot be considered to serve as two compartments. The recess is a single channel that completely surrounds the knob and is not partitioned into multiple compartments nor is there any motivation to do so.

Accordingly, the Grusin patent does not anticipate amended claim 1. The anticipation rejection of claim 1 based on the Grusin patent is improper and should be withdrawn.

Independent Claim 8

Claim 8 defines a jewelry organizer having a body having an upper surface and a lower surface; a knob protruding upwardly from the upper surface having a diameter and height capable of receiving at least one finger ring over the knob; and at least one compartment formed in the upper surface of the body for receiving jewelry and defined as an elongated channel sized to receive a piece of jewelry.

The Grusin patent fails to disclose, or even suggest, a jewelry organizer having all of the features of independent claim 8, including a knob having a diameter and height capable of receiving at least one finger ring over the knob. In contrast, the

aperture 54 of Grusin's knob 30 must be sufficiently sized to allow a finger to pass through and grasp one of the post members. Thus, sizing the knob small enough to receive a finger ring would be inherently incompatible with the intended operation of Grusin's organizer.

Accordingly, the Grusin patent does not anticipate claim 8. The anticipation rejection of claim 8 based on the Grusin patent is improper and should be withdrawn.

The Rejections of Claims 3-6 and 10 Under 35 U.S.C. § 103(a) Based on the Grusin Patent in view of the Martire Patent

As mentioned above, claims 3-6 and 10 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over Grusin in view of Martire Jr. The Applicant respectfully traverses these rejections.

The Grusin and Martire Jr. patents, either alone or in combination, fail to disclose or suggest a jewelry organizer having all of the features of independent claims 1 or 8, let alone claims 3-6 and 10. As mentioned above, the Grusin fails to disclose or suggest a jewelry organizer having all of the features of either claim 1 or 8, including having either two compartments formed in the upper surface of the body or a knob capable of receiving at least one finger ring, respectively. Since the only purpose of the recess is to lend greater height to the knob and not to serve as a compartment, there would be no motivation to have two recesses or to partition the one recess into multiple compartments. The Martire Jr. patent fails to furnish any of the shortcomings of the Grusin patent. In the Decision on Appeal, the Board concluded that there is no motivation to combine the knob of Grusin with the upper surface recesses of the Martire tray. Moreover, the Martire Jr. patent fails to teach the concept of partitioning one recess into multiple compartments, and doing so would be inconsistent with its

purpose. Each recess of Martire Jr. serves to receive a food receptacle, e.g., plate, bowl, drinking glass and the like and, if it were partitioned, the food receptacles would not sit properly in the recess.

For these reasons and the reasons set forth above the obviousness rejections of claims 3-6 and 10 are improper and should be withdrawn.

The Double Patenting Rejection

In paragraph 8 of the Office Action, claims 1-15 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,334,530.

In response, Applicant submits herewith a properly executed terminal disclaimer to overcome the double patenting rejection. Entry of the Terminal Disclaimer, and withdrawal of the obviousness-type double patenting rejection, are respectfully requested.

Conclusion

The foregoing amendments and remarks should place this application in condition for allowance. If any matters remain outstanding after consideration of this Amendment that the Examiner believes might be expedited by a telephone conference with Applicant's representative, he is respectfully requested to call the undersigned attorney at the number indicated below.

Date: August 30, 2002

Respectfully submitted,

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Attachments: Version with Markings to Show Changes Made
Figure 5
Terminal Disclaimer

VERSION WITH MARKINGS TO SHOW CHANGES MADE**IN THE SPECIFICATION:**

[0006] Briefly, and in general terms, the present invention resides in a method and apparatus for jewelry organization which satisfies the above-identified needs by storing and displaying several types of jewelry while preventing the jewelry from tangling. The jewelry organizer has a body **capable of stacking** which is specially designed to avoid tangling of jewelry items and to house all types of jewelry at once, in an appealing fashion.

[0007] More particularly, the method and apparatus for jewelry organization of the present invention includes a body having an upper and lower surface, and **[a plurality of compartments] at least one compartment** formed in the upper surface. Each compartment is defined as an endless channel sized to receive one or more items of jewelry. In a presently preferred embodiment, the channels may be formed concentrically to one another. The channels having the smallest circumferences can be used for holding small earrings, commonly stud or hoop earrings. The channels of medium length circumference can be used for watches, bracelets and other jewelry of similar length. A piece or strand of jewelry is placed in a channel of the length necessary to hold it. The channels having the larger diameters can be used for holding necklaces of varying lengths. Each piece of jewelry is matched to a channel of similar length so that the jewelry can be laid out along the path of the channel and does not mix or tangle with other pieces of jewelry. **Alternatively, the compartment may form one continuous channel in a spiral configuration in which jewelry items, such as necklaces would be placed end-to-end.**

[0009] In a further aspect of the invention, the jewelry organizer may have a rim around the periphery of the outermost compartment. The rim may include a lip

which has a thickness less than the hook on a typical drop earring. This allows a drop earring to be hooked onto the lip. The rim also may have a substantially flat surface and a width sufficient to display the earrings on the rim once they are hooked onto the lip. Additionally, a person may place or display clip earring or pins on the substantially flat surface.

[0012] The drawings illustrate a presently preferred embodiment of the invention, in which:

FIG. 1 shows a perspective view of a jewelry organizer apparatus and method in accordance with the present invention;

FIG. 2 is a top view of the jewelry organizer shown in FIG. 1;

FIG. 3 is a cross-sectional view of the jewelry organizer, taken along lines 3--3 in FIG. 2, showing how it stacks on additional jewelry organizers indicated in phantom; [and]

FIG. 4 is an exploded perspective view of a jewelry organizer shown in combination with several other jewelry organizers; and

FIG. 5 is a top view of a second embodiment of a jewelry organizer in accordance with the present invention, depicting a channel in a spiral configuration.

[0013] Referring now to the drawings, and particularly to FIG. 1 thereof, the present invention is embodied in a jewelry organizer, generally indicated by reference numeral 10. The jewelry organizer can be made from a single piece of clay, plastic, wood, glass, cardboard or any other material capable of being fabricated into the design. The jewelry organizer has an upper surface 12 for storing and displaying all types of jewelry, such as a necklace 14, drop earrings 16, and a ring 18. The upper surface 12 defines a plurality of compartments 20 for holding the jewelry. Each compartment is an endless channel 22 which is sized to hold jewelry and keep it

separate from other items of jewelry. A substantially flat rim 24 surrounds the periphery of the outermost channel or compartment 26 and allows drop earrings 16 to be hooked or clip earrings 8 to be placed thereon. The jewelry organizer 10 has an upwardly protruding knob 28 for holding rings.

[0015] As referenced above with respect to FIGS. 1 and 2, the upper surface of the body has a plurality of compartments 20 defining endless channels 22. The channels are circular in shape and vary in diameter. The smaller diameter channels 34 lie within the channels having larger diameters 36. Thus, the channels are concentrically relative to each other and surround the knob. The number of channels can range from at least two up to eighteen or more, depending on the diameter of the jewelry organizer, the width of the channels, and the desired need.

[0018.1] With now reference to FIG. 5, another preferred embodiment of the present invention is depicted in a jewelry organizer 10' having a compartment 20' formed as a continuous channel in a spiral configuration centered about a knob 28'. In this embodiment, jewelry items, such as necklaces can be placed end-to-end in the spiral compartment and the jewelry organizer can be stacked and can otherwise be used as discussed with reference to other embodiments.

IN THE CLAIMS:

3. (Amended) The jewelry organizer of claim 1, wherein the knob has a frustoconical shape and has a diameter and height capable of holding at least one finger ring.

8. (Amended) A jewelry organizer for holding jewelry such as rings, earrings, drop earrings, watches, bracelets, necklaces, and other strands of jewelry, comprising:
a body having an upper surface and a lower surface;
a knob protruding upwardly from the upper surface having a diameter and height
5 capable of receiving at least one finger ring over the knob; and
at least one compartment formed in the upper surface of the body for receiving jewelry and defined as an elongated channel sized to receive a piece of jewelry.

16. (New) A jewelry organizer for holding jewelry such as rings, earrings, drop earrings, watches, bracelets, necklaces, and other strands of jewelry, comprising:
a body having an upper surface and a lower surface;
a knob protruding upwardly from the upper surface;
5 a compartment formed in the upper surface of the body for receiving jewelry, the compartment defined as an elongated, spiral channel centered about the knob; and
a recess in the lower surface of the body wherein the recess and the knob provide a means for a stackable configuration.

17. (New) The jewelry organizer of claim 16, wherein the body of the jewelry organizer is substantially planar.

18. (New) The jewelry organizer of claim 16, wherein the knob has a frustoconical shape and has a diameter and height capable of holding at least one finger ring.

19. (New) The jewelry organizer of claim 16, further including an outer rim around the periphery of the body, the outer rim having a surface to allow space for jewelry to be displayed thereon.

20. (New) The jewelry organizer of claim 19, wherein the outer rim includes a lip which is sized to receive a hook of a drop earring thereon.